

111TH CONGRESS  
1ST SESSION

# S. 1641

To modify and waive certain requirements under title 23, United States Code, to assist States with a high unemployment rate in carrying out Federal-aid highway construction projects, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2009

Ms. STABENOW (for herself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To modify and waive certain requirements under title 23, United States Code, to assist States with a high unemployment rate in carrying out Federal-aid highway construction projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FEDERAL SHARE PAYABLE; CREDIT FOR NON-**  
4 **FEDERAL SHARE.**

5 (a) DEFINITION OF ELIGIBLE STATE.—In this sec-  
6 tion, the term “eligible State” means a State with an un-  
7 employment rate, as determined by the Secretary of

1 Transportation, that is equal to or exceeds 11 percent at  
 2 any time during fiscal years 2009 and 2010.

3 (b) FEDERAL SHARE PAYABLE.—

4 (1) INTERSTATE SYSTEM PROJECTS.—With re-  
 5 spect to an eligible State during fiscal years 2011  
 6 and 2012, section 120(a) of title 23, United States  
 7 Code, shall be applied by substituting “95 percent”  
 8 for “90 percent”.

9 (2) OTHER PROJECTS.—With respect to an eli-  
 10 gible State during fiscal years 2011 and 2012, para-  
 11 graphs (1) and (2) of section 120(b) of title 23,  
 12 United States Code, shall be applied by substituting  
 13 “85 percent” for “80 percent” each place it appears.

14 (c) CREDIT FOR NON-FEDERAL SHARE.—

15 (1) IN GENERAL.—With respect to an eligible  
 16 State during fiscal years 2011 and 2012, the re-  
 17 quirement under section 120(j)(1)(A) that toll reve-  
 18 nues, to be eligible for use as a credit, be generated  
 19 and used by public, quasi-public, and private agen-  
 20 cies to build, improve, or maintain highways,  
 21 bridges, or tunnels that serve the public purpose of  
 22 interstate commerce shall not apply.

23 (2) MAINTENANCE OF EFFORT.—With respect  
 24 to an eligible State during fiscal years 2011 and

1       2012, requirements under section 120(j)(2), United  
2       States Code, shall not apply.

3           (3) USE OF TOLLS PREVIOUSLY NOT ELIGI-  
4       BLE.—With respect to an eligible State, tolls gen-  
5       erated during the period of fiscal years 2005  
6       through 2010 and not eligible as a credit under sec-  
7       tion 120(j) of title 23, United States Code, during  
8       those fiscal years due to a requirement under that  
9       section shall be eligible for use as a credit under  
10      that section during fiscal year 2011 or 2012.

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